



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
ON APPEAL FROM THE EXAMINER TO THE BOARD
OF PATENT APPEALS AND INTERFERENCES

In re Application of: Robert T. Bell, et al.
Serial No.: 09/032,083
Filing Date: February 27, 1998
Confirmation No. 9496
Group Art Unit: 2665
Examiner: Steven H.D. Nguyen
Title: SYSTEM AND METHOD FOR PERFORMING SIGNALING
ON BEHALF OF A STATELESS CLIENT

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Commissioner for Patents
P.O. Box 1450
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Dear Sir:

APPEAL BRIEF

Appellants have appealed to this Board from the decision of the Examiner, contained in a Final Office Action mailed May 17, 2005 ("Final Office Action"), finally rejecting Claims 1-12, 14-32, and 34-105. Appellants mailed a Notice of Appeal on September 16, 2005. Appellants respectfully submit this Appeal Brief for consideration of the Board.

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Real Party In Interest

The real party in interest for this Application under appeal is Cisco Technology, Inc.
of San Jose, California.

Related Appeals And Interferences

The Appellants, the undersigned Attorney for Appellants, and the Assignee know of no applications on appeal that may directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

Status Of Claims

Claims 1-12, 14-32, and 34-105 were rejected by the Final Office Action. Appellants cancelled Claims 11 and 31 without prejudice or disclaimer. Appellants present all pending claims for appeal – Claims 1-10, 12, 14-30, 32, and 34-105 – and set forth these claims in Appendix A.

Status of Amendments

The claims on appeal and which appear in Appendix A of this Appeal Brief represent the form of the claims as of the time of the Final Office Action dated May 17, 2005. Appellants filed no amendments to the claims after the Final Office Action.

Summary of Claimed Subject Matter

The claims of the present application are directed to a communication system capable of performing state-based signaling on behalf of stateless clients and related methods of operation. The communication system includes state-based terminals (205, 206, & 225) and stateless clients (235, 236, & 237). Specification, Figure 2.

Stateless clients are low capability, “dumb” devices that are incapable of performing state-based signaling, and state-based terminals are higher capabilities devices that are capable of performing state-based signaling. *Id.* at page 5, line 19 - page 6, line 6. As described in the Background of the Invention, state-based standards such as H.323 require complex protocol and signaling methods. *Id.* at page 1, line 9 - page 2, line 21. The present application provides a solution that permits low capability, packet-based clients to interoperate with and conduct packet-based communications with state-based terminals.

State-based terminals and stateless clients couple to and communicate with each other using packet-based networks, such as Internet Protocol (IP) intranets (220) and an external Internet (210). *Id.* at Figure 2 and page 13, lines 6-13. To facilitate packet-based media communications sessions between the state-based terminals and stateless clients, a controller (340), employed in a server (230), bi-directionally translates between stateless signaling messages and state-based signaling messages. *Id.* at Figures 2 & 3; page 14, lines 5-15; and page 16, lines 1-11. All claims require the performance of signaling on behalf of packet-based stateless clients.

Grounds Of Rejection To Be Reviewed On Appeal

I. Appellants request that the Board review the Examiner's rejection of Claims 1-10, 12, 14-30, 32, and 34-105 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,711,166, issued to Amir ("*Amir*").

II. Appellants request that the Board review the Examiner's rejection of Claims 1-10, 12, 14-30, 32, and 34-105 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,726,984, issued to Kubler, et al. ("*Kubler*"), in view of *Amir*.

Argument

I. Section 102 Rejection: Claims 1-10, 12, 14-30, 32, and 34-105 are patentable over *Amir* because *Amir* fails to describe, either expressly or inherently, packet-based stateless clients as required by every claim.

The Examiner rejects Claims 1-10, 12, 14-30, 32, and 34-105 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,711,166, which issued to Amir (“*Amir*”). To anticipate a claim under 35 U.S.C. § 102(e), a single prior art reference must describe, either expressly or inherently, each and every element of the claim. *In re Robertson*, 169 F.3d 743, 745, 49 U.S.P.Q.2d 1949, 1950 (Fed. Cir. 1999). Appellants respectfully submit that *Amir* fails to teach each and every element of any of Appellants’ claims. Consider Appellants’ independent Claim 1, which recites:

A system capable of performing state-based signaling on behalf of a stateless client, comprising:

a controller, couplable to a state-based terminal, that translates at least one stateless signaling message received from said stateless client to at least one state-based signaling message for presentation to said state-based terminal thereby facilitating a media stream communications session between said stateless client and said state-based terminal using an Internet Protocol (IP)-based network, wherein the media stream communications session is comprised of packets exchanged between said stateless client and said state-based terminal.

Appellants respectfully submit that *Amir* fails to describe every element of this claim.

In general, *Amir* teaches a system of routing concurrent calls between switches. *Amir*, column 2, lines 41-44. According to *Amir*, incoming calls are multiplexed onto Transmission Control Protocol (TCP) channels so that the switches do not have to allocate and setup individual TCP connections for each call. *Amir*, column 2, lines 44-51. *Amir* discusses multiplexing information from a number of different types of terminals. *See, e.g., Amir*, Figure 6A, item 26.

Amir fails to describe “facilitating a media stream communications session between [a] stateless client and [a] state-based terminal using an Internet Protocol (IP)-based network, wherein the media stream communications session is comprised of packets exchanged between said stateless client and said state-based terminal.” In particular, *Amir* fails to disclose both packet-based stateless clients and packet-based state-based terminals. As

teaching the state-based terminal, the Examiner points to the H.323 Terminals shown and described in *Amir*. *Final Office Action*, pages 7-8. As teaching the stateless client, the Examiner points to two alternatives in *Amir*: (1) the IP Terminal in Figure 6A and (2) the IP Telephone in Figure 7. *Id.* Neither of these two alternatives teaches a stateless client. In fact, the Examiner identifies only state-based terminals. *Amir* does not teach packet-based stateless clients.

A. The IP Terminal disclosed in *Amir* is not a packet-based stateless client as required by the claims.

As teaching a stateless client, the Examiner points to the IP Terminal disclosed in *Amir* in Figure 6A, item 26, and, as teaching a state-based terminal, the Examiner points to the H.323 Terminal in Figure 6B, item 26. With respect to the IP Terminal, the text of *Amir* refers to this element only once. The paragraph referencing the IP Terminal states:

As above, the system of this embodiment supports terminals running several different protocol standards. For example, the telephones may support the Integrated Services Digital Network ("ISDN") protocol, they may be standard analog sets or they may support some other protocol (not shown). Again, as described above, the data terminals may be protocol-based. Those depicted are IP terminals and H.323 terminals.

Amir, col. 10, lines 31-38 (emphasis added). In this paragraph, *Amir* fails to identify any particular types of IP protocols, operations, or functionality contemplated for the IP Terminal. Other portions of *Amir* do not identify any other IP protocols contemplated for the IP Terminal. However, in examining the full disclosure of *Amir*, it becomes evident that *Amir* uses the "IP Terminal" element to depict a generic IP terminal, with the H.323 terminals depicting the particular type of IP terminal envisioned by *Amir*.

Amir first introduces "protocol-based" data terminals with respect to Figure 2 (which does not include IP Terminals or IP Telephones) and lists H.323, H.324 and H.320 as example protocols. *Amir*, col. 4, lines 48-60. Of these examples, only H.323 refers to an IP-based protocol (H.324 refers to a protocol for analog devices and H.320 to a protocol for ISDN). Thus, other than the potential use of H.323, this text fails to provide any guidance for the IP protocols or operation contemplated for the IP Terminal of Figure 6. Further, no

other disclosure in *Amir* provides any guidance for the IP protocols or operation contemplated for the IP Terminal of Figure 6.

Therefore, other than labeling the element in Figure 6A as an IP Terminal, *Amir* provides no information as to the specific protocol or operation of this terminal. *Amir* certainly does not specify that the IP Terminal is stateless, as required by Appellants' Claim 1. If anything, *Amir* treats the IP Terminal as similar to the H.323 Terminal, which the Examiner admits is state-based. Therefore, Appellants respectfully submit that the IP Terminal relied on by the Examiner fails to teach a packet-based stateless client as required by Appellants' Claim 1.

B. The IP Telephone disclosed in *Amir* is not a packet-based stateless client as required by the claims.

As an alternative disclosure of a stateless client, the Examiner points to the IP Telephone disclosed in *Amir* in Figure 7, item 122A. *Amir's* treatment of the IP Telephone depicted in Figure 7 is similar to that of the IP Terminal. With respect to the IP Telephone, the text of *Amir* refers to this element only once, stating:

A router A 120 receives calls from other networks (e.g., network 124) and several terminals 122A, 122B and [122C].

Amir, col. 11, lines 39-44 (emphasis added). No other text or figures in *Amir* expressly discuss the nature of this IP Telephone. However, although Figure 7 labels element 122A as "IP Telephone," the reference to this element in the text as terminal 122A indicates that the "IP Telephone" label is most likely a variation of the "IP Terminal" label used in Figure 6.

Similar to the IP Terminal, *Amir* provides no information as to the specific protocol or operation of the IP Telephone. *Amir* certainly does not specify that the IP Telephone is stateless, as required by Appellants' Claim 1. Moreover, *Amir* treats the IP Telephone as an equal alternative to the H.323 Terminal, which the Examiner admits is state-based. Therefore, Appellants respectfully submit that the IP Telephone relied on by the Examiner fails to teach a packet-based stateless client as required by Appellants' Claim 1.

C. *Amir* fails to disclose a packet-based stateless client and a packet-based state-based terminal.

Appellants respectfully submit that neither of the elements relied on by the Examiner teach a packet-based stateless client as required by Appellants' Claim 1. No other elements of *Amir* disclose these claim requirements. Nowhere does *Amir* disclose or suggest a stateless client communicating with a state-based terminal. Therefore, *Amir* does not describe "facilitating a media stream communications session between said stateless client and said state-based terminal using an Internet Protocol (IP)-based network, wherein the media stream communications session is comprised of packets exchanged between said stateless client and said state-based terminal," as required by Claim 1.

Thus, Appellants respectfully submit that *Amir* fails to describe, either expressly or inherently, each and every element of independent Claim 1. For analogous reasons, *Amir* fails to describe, either expressly or inherently, each and every element of independent Claims 16, 21, 36, 41, 51, 56, 66, 71, 76, 81, 87, 89, 91, and 99. Therefore, Appellants respectfully request the Board to reverse the Examiner's rejection of Claims 1-10, 12, 14-30, 32, and 34-105 and direct the Examiner to issue a notice of allowance.

II. Section 103 Rejection: Claims 1-10, 12, 14-30, 32, and 34-105 are patentable over the proposed *Kubler-Amir* combination because the combination fails to teach or suggest packet-based stateless clients and because the combination is improper.

The Examiner rejects Claims 1-10, 12, 14-30, 32, and 34-105 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,726,984, which issued to Kubler, et al. ("*Kubler*"), in view of *Amir*. To establish a *prima facie* case of obviousness, there must be a suggestion or motivation in the prior art to modify or combine the references, and the combination must teach or suggest all elements of the rejected claims. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). The Examiner's rejection of Claims 1-10, 12, 14-30, 32, and 34-105 under 35 U.S.C. § 103 fails both of these requirements. First, even if the combination were proper, the proposed *Kubler-Amir* combination fails to teach or suggest all elements of the claims. Second, there is no suggestion or motivation in the cited references or in the prior art to combine *Kubler* and *Amir*.

A. The claims include packet-based stateless clients not taught or suggested by the proposed *Kubler-Amir* combination.

Appellants respectfully submit that, even if the proposed combination is given, *Kubler* and *Amir*, whether taken alone or in combination, fail to teach or suggest every element of the claims. To establish obviousness of a claimed invention under § 103, all claim limitations must be taught or suggested by the prior art. *Id.* Again, Appellants' independent Claim 1 recites:

A system capable of performing state-based signaling on behalf of a stateless client, comprising:

a controller, coupleable to a state-based terminal, that translates at least one stateless signaling message received from said stateless client to at least one state-based signaling message for presentation to said state-based terminal thereby facilitating a media stream communications session between said stateless client and said state-based terminal using an Internet Protocol (IP)-based network, wherein the media stream communications session is comprised of packets exchanged between said stateless client and said state-based terminal.

Appellants submit that the *Kubler-Amir* combination fails to teach or suggest “facilitating a media stream communications session between said stateless client and said state-based terminal using an Internet Protocol (IP)-based network, wherein the media stream communications session is comprised of packets exchanged between said stateless client and said state-based terminal.”

Kubler does not teach a packet-based stateless client or a communication session comprised of packets exchanged between a stateless client and a state-based terminal. The Examiner admits that *Kubler* fails to teach or suggest these aspects and instead relies upon *Amir*. *Final Office Action*, pages 6-7. However, as discussed in detail above, *Amir* fails to teach or suggest these aspects.

For at least this reason, Appellants respectfully submit that *Kubler* and *Amir* fail to teach or suggest each and every element of independent Claim 1. For analogous reasons, Appellants respectfully submit that *Kubler* and *Amir* fail to teach or suggest each and every element of independent Claims 16, 21, 36, 41, 51, 56, 66, 71, 76, 81, 87, 89, 91, and 99. Appellants thus respectfully request the Board to reverse the Examiner's rejection of Claims 1-10, 12, 14-30, 32, and 34-105 and direct the Examiner to issue a notice of allowance.

B. There is no suggestion or motivation in the cited references or in the prior art to combine *Kubler* and *Amir*.

The proposed combination of *Kubler* and *Amir* is improper because the prior art fails to suggest or motivate the proposed combination of the references. The factual inquiry whether to combine references must be thorough and searching. *McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 1351-52, 60 U.S.P.Q.2d 1001, 1008 (Fed. Cir. 2001). This factual question cannot be resolved on subjective belief and unknown authority, but must be based on objective evidence of record. *See In re Lee*, 277 F.3d 1338, 1343-44, 61 U.S.P.Q.2d 1430, 1434 (Fed. Cir. 2002).

Nothing in *Kubler* or *Amir* suggests or motivates the proposed combination. In the *Final Office Action*, the Examiner responded to Appellants' previous objection to this combination, stating:

In this case, *Kubler* discloses a method and system for exchanging a media [sic] between the stateless and state-based client via internet network. *Amir* discloses a method and system for exchanging media communications session between the stateless and state-based client via internet network wherein the media communication session comprises packets for exchanging between them. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to integrate a stateless and state-based device into IP network for exchanging the information comprising the packets between the stateless and state-based client as disclosed by *Amir*'s system and method into the system and method of *Kubler*. The motivation would have been to reduce the cost of telephone call.

Final Office Action, page 9.

First, Appellants respectfully submit that this statement mischaracterizes the teachings of the references. As discussed in detail above, *Amir* fails to teach or suggest both stateless and state-based IP elements, yet the Examiner's assertions treat this as part of the rationale for the combination. Second, with respect to the motivation, Appellants respectfully submit that the *Final Office Action* fails to identify how the proposed *Kubler-Amir* combination would reduce the cost of a telephone call or why this would provide the motivation for the combination.

In short, these statements represent the subjective belief of the Examiner, do not point to any known authority, and therefore are not based on objective evidence of record. Thus, the record fails to provide the required evidence of a teaching, suggestion, or motivation to combine or modify the references, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art.

Appellants thus respectfully request the Board to find the proposed *Kubler-Amir* combination improper, reverse the Examiner's rejection of Claims 1-10, 12, 14-30, 32, and 34-105, and direct the Examiner to issue a notice of allowance.

Conclusion

Appellants have demonstrated that the present invention, as claimed in Claims 1-10, 12, 14-30, 32, and 34-105, is patentably distinct from the cited art. Accordingly, Appellants respectfully request that the Board reverse the final rejection of the Examiner and instruct the Examiner to issue a Notice of Allowance of Claims 1-10, 12, 14-30, 32, and 34-105.

Appellants enclose a check in the amount of \$500.00 to cover the fee. The Commissioner is hereby authorized to charge any extra fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS, L.L.P.
Attorneys for Appellants

A handwritten signature in black ink, appearing to read 'Kurt M. Pankratz', written over a horizontal line.

Kurt M. Pankratz
Registration No. 46,977

Date: November 16, 2005

Customer No. **05073**

Appendix A: Claims Involved In Appeal

1. (Previously Presented) A system capable of performing state based signaling on behalf of a stateless client, comprising:

a controller, couplable to a state based terminal, that translates at least one stateless signaling message received from said stateless client to at least one state based signaling message for presentation to said state based terminal thereby facilitating a media stream communications session between said stateless client and said state based terminal using an Internet Protocol (IP) based network, wherein the media stream communications session is comprised of packets exchanged between said stateless client and said state-based terminal.

2. (Original) The system as recited in Claim 1 wherein said controller translates at least one state based signaling message received from said state based terminal to at least one stateless signaling message for presentation to said stateless client.

3. (Original) The system as recited in Claim 1 wherein said controller comprises a protocol engine and a stateless client control engine.

4. (Original) The system as recited in Claim 1 wherein said controller forms an abstraction of said at least one stateless signaling message prior to translating.

5. (Original) The system as recited in Claim 1 wherein said system performs state based signaling on behalf of a plurality of stateless clients.

6. (Original) The system as recited in Claim 1 wherein said media stream includes portions selected from the group consisting of:

voice,
video, and
data.

7. (Original) The system as recited in Claim 1 wherein portions of said media stream traverse a path between said stateless client and said state based terminal without said controller.

8. (Original) The system as recited in Claim 1 wherein said at least one state based signaling message and said at least one stateless signaling message traverse a signaling path separate from a path for said media stream.

9. (Original) The system as recited in Claim 1 wherein portions of said media stream traverse a path between said stateless client and said state based terminal with said controller.

10. (Original) The system as recited in Claim 1 wherein said at least one state based signaling message is based on a protocol selected from the group consisting of:

H.225,
H.235,
H.245, and
H.323.

11. (Canceled)

12. (Original) The system as recited in Claim 1 wherein said at least one stateless signaling message includes an indication selected from the group consisting of:

a telephony "off hook" event,
a telephony "on hook" event,
a telephony "button depressed" event,
a telephony "digit dialed" event, and
a "client registration" event.

13. (Canceled)

14. (Original) The system as recited in Claim 1 wherein said controller operates only with respect to call management and management of said media stream.

15. (Original) The system as recited in Claim 1 wherein said system is embodied as a sequence of instructions executable in a general purpose computer system.

16. (Previously Presented) A method of performing state based signaling on behalf of a stateless client, comprising the steps of:

translating at least one stateless signaling message received from said stateless client to at least one state based signaling message for presentation to said state based terminal thereby facilitating a media stream communications session between said stateless client and said state based terminal using an Internet Protocol (IP) based network, wherein the media stream communications session is comprised of packets exchanged between said stateless client and said state-based terminal.

17. (Original) The method as recited in Claim 16 further comprising the step of translating at least one state based signaling message received from said state based terminal to at least one stateless signaling message for presentation to said stateless client

18. (Original) The method as recited in Claim 16 further comprising the step of forming an abstraction of said at least one stateless signaling message prior to the step of translating.

19. (Original) The method as recited in Claim 16 wherein the method performs state based signaling on behalf of a plurality of stateless clients.

20. (Original) The method as recited in Claim 16 wherein said media stream includes portions selected from the group consisting of:

voice,
video, and
data.

21. (Previously Presented) A system capable of performing state based signaling on behalf of a stateless client, comprising:

a controller, couplable to a state based terminal, that translates at least one state based signaling message received from said state based terminal to at least one stateless signaling message for presentation to said stateless client thereby facilitating a media stream communications session between said stateless client and said state based terminal using an Internet Protocol (IP) based network, wherein the media stream communications session is comprised of packets exchanged between said stateless client and said state-based terminal.

22. (Original) The system as recited in Claim 21 wherein said controller translates at least one stateless signaling message received from said stateless client to at least one state based signaling message for presentation to said state based terminal.

23. (Original) The system as recited in Claim 21 wherein said controller comprises a protocol engine and a stateless client control engine.

24. (Original) The system as recited in Claim 21 wherein said controller forms an abstraction of said at least one state based signaling message prior to translating.

25. (Original) The system as recited in Claim 21 wherein said system performs state based signaling on behalf of a plurality of stateless clients.

26. (Original) The system as recited in Claim 21 wherein said media stream includes portions selected from the group consisting of:

voice,
video, and
data.

27. (Original) The system as recited in Claim 21 wherein portions of said media stream traverse a path between said stateless client and said state based terminal without said controller.

28. (Original) The system as recited in Claim 21 wherein said at least one state based signaling message and said at least one stateless signaling message traverse a signaling path separate from a path for said media stream.

29. (Original) The system as recited in Claim 21 wherein portions of said media stream traverse a path between said stateless client and said state based terminal with said controller.

30. (Original) The system as recited in Claim 21 wherein said at least one state based signaling message is based on a protocol selected from the group consisting of:

H.225,

H.235,

H.245, and

H.323.

31. (Canceled)

32. (Original) The system as recited in Claim 21 wherein said at least one stateless signaling message includes an indication selected from the group consisting of:

a telephony "off hook" event,

a telephony "on hook" event,

a telephony "button depressed" event,

a telephony "digit dialed" event, and

a "client registration" event.

33. (Canceled)

34. (Original) The system as recited in Claim 21 wherein said controller operates only with respect to call management and management of said media stream.

35. (Original) The system as recited in Claim 21 wherein said system is embodied as a sequence of instructions executable in a general purpose computer system.

36. (Previously Presented) A method of performing state based signaling on behalf of a stateless client, comprising the steps of:

translating at least one state based signaling message received from said state based terminal to at least one stateless signaling message for presentation to said stateless client thereby facilitating a media stream communications session between said stateless client and said state based terminal using an Internet Protocol (IP) based network, wherein the media stream communications session is comprised of packets exchanged between said stateless client and said state-based terminal.

37. (Original) The method as recited in Claim 36 further comprising the step of translating at least one stateless signaling message received from said stateless client to at least one state based signaling message for presentation to said state based terminal.

38. (Original) The method as recited in Claim 36 further comprising the step of forming an abstraction of said at least one state based signaling message prior to the step of translating.

39. (Original) The method as recited in Claim 36 wherein the method performs state based signaling on behalf of a plurality of stateless clients.

40. (Original) The method as recited in Claim 36 wherein said media stream includes portions selected from the group consisting of:

voice,
video, and
data.

41. (Previously Presented) A system capable of performing state based signaling on behalf of a stateless client, comprising:

a controller, couplable to a state based terminal, that translates at least one stateless signaling message received from said stateless client to at least one state based signaling message for presentation to said state based terminal thereby facilitating a media stream communications session between said stateless client and said state based terminal using a packet network, wherein the media stream communications session is comprised of packets exchanged between said stateless client and said state-based terminal.

42. (Original) The system as recited in Claim 41 wherein said controller translates at least one state based signaling message received from said state based terminal to at least one stateless signaling message for presentation to said stateless client.

43. (Original) The system as recited in Claim 41 wherein said controller comprises a protocol engine and a stateless client control engine.

44. (Original) The system as recited in Claim 41 wherein said controller comprises a call manager messaging interface and a stateless client messaging interface.

45. (Original) The system as recited in Claim 41 wherein said controller forms an abstraction of said at least one stateless signaling message prior to translating.

46. (Original) The system as recited in Claim 41 wherein said system performs state based signaling on behalf of a plurality of stateless clients.

47. (Original) The system as recited in Claim 41 wherein said network employs a transport protocol selected from the group consisting of:

an Internet Protocol (IP),

an Internetwork Packet Exchange / Sequenced Packet Exchange (IPX/SPX), and

a Systems Network Architecture (SNA).

48. (Original) The system as recited in Claim 41 wherein portions of said media stream traverse a path between said stateless client and said state based terminal without said controller.

49. (Original) The system as recited in Claim 41 wherein said at least one state based signaling message and said at least one stateless signaling message traverse a signaling path separate from a path for said media stream.

50. (Original) The system as recited in Claim 41 wherein said system is embodied as a sequence of instructions executable in a general purpose computer system.

51. (Previously Presented) A method of performing state based signaling on behalf of a stateless client, comprising the steps of:

translates at least one stateless signaling message received from said stateless client to at least one state based signaling message for presentation to said state based terminal thereby facilitating a media stream communications session between said stateless client and said state based terminal using a packet network, wherein the media stream communications session is comprised of packets exchanged between said stateless client and said state-based terminal.

52. (Original) The method as recited in Claim 51 further comprising the step of translating at least one state based signaling message received from said state based terminal to at least one stateless signaling message for presentation to said stateless client.

53. (Original) The method as recited in Claim 51 further comprising the step of forming an abstraction of said at least one stateless signaling message prior to the step of translating.

54. (Original) The method as recited in Claim 51 wherein the method performs state based signaling on behalf of a plurality of stateless clients.

55. (Original) The method as recited in Claim 51 wherein said network employs a transport protocol selected from the group consisting of:

- an Internet Protocol (IP),
- an Internetwork Packet Exchange/Sequenced Packet Exchange IPX/SPX), and
- a Systems Network Architecture (SNA).

56. (Previously Presented) A system capable of performing state based signaling on behalf of a stateless client, comprising:

a controller, couplable to a state based terminal, that translates at least one state based signaling message received from said state based terminal to at least one stateless signaling message for presentation to said stateless client thereby facilitating a media stream communications session between said stateless client and said state based terminal using a packet network, wherein the media stream communications session is comprised of packets exchanged between said stateless client and said state-based terminal.

57. (Previously Presented) The system as recited in Claim 56 wherein said controller translates at least one stateless signaling message received from said stateless client to at least one state based signaling message for presentation to said state based terminal.

58. (Previously Presented) The system as recited in Claim 56 wherein said controller comprises a protocol engine and a stateless client control engine.

59. (Previously Presented) The system as recited in Claim 56 wherein said controller comprises a call manager messaging interface and a stateless client messaging interface.

60. (Previously Presented) The system as recited in Claim 56 wherein said controller forms an abstraction of said at least one state based signaling message prior to translating.

61. (Previously Presented) The system as recited in Claim 56 wherein said system performs state based signaling on behalf of a plurality of stateless clients.

62. (Previously Presented) The system as recited in Claim 56 wherein said network employs a transport protocol selected from the group consisting of:

an Internet Protocol (IP),

an Internetwork Packet Exchange/Sequenced Packet Exchange (IPX/SPX), and

a Systems Network Architecture (SNA).

63. (Previously Presented) The system as recited in Claim 56 wherein portions of said media stream traverse a path between said stateless client and said state based terminal without said controller

64. (Previously Presented) The system as recited in Claim 56 wherein said at least one state based signaling message and said at least one stateless signaling message traverse a signaling path separate from a path for said media stream.

65. (Previously Presented) The system as recited in Claim 56 wherein said system is embodied as a sequence of instructions executable in a general purpose computer system.

66. (Previously Presented) A method of performing state based signaling on behalf of a stateless client, comprising the steps of: translating at least one state based signaling message received from said state based terminal to at least one stateless signaling message for presentation to said stateless client thereby facilitating a media stream communications session between said stateless client and said state based terminal using a packet network, wherein the media stream communications session is comprised of packets exchanged between said stateless client and said state-based terminal.

67. (Original) The method as recited in Claim 66 further comprising the step of translating at least one stateless signaling message received from said stateless client to at least one state based signaling message for presentation to said state based terminal.

68. (Original) The method as recited in Claim 66 further comprising the step of forming an abstraction of said at least one state based signaling message prior to the step of translating.

69. (Original) The method as recited in Claim 66 wherein the method performs state based signaling on behalf of a plurality of stateless clients.

70. (Original) The method as recited in Claim 66 wherein said network employs a transport protocol selected from the group consisting of:

an Internet Protocol (IP),

an Internetwork Packet Exchange/Sequenced Packet Exchange (IPX/SPX), and

a Systems Network Architecture (SNA).

71. (Previously Presented) An Internet Protocol (IP) based network, comprising: at least one state based terminal capable of processing state-based signaling messages; at least one stateless client capable of processing only stateless signaling messages; and a server, coupleable between said at least one state based terminal and said at least one stateless client, comprising: a controller capable of performing state based signaling on behalf of said at least one stateless client, including: a stateless client control engine that forms an abstraction of said at least one stateless signaling message received from said at least one stateless client; and a protocol engine that translates said abstraction to at least one state based signaling message for presentation to said at least one state based terminal thereby facilitating a media stream communications session between said at least one stateless client and said at least one state based terminal, wherein the media stream communications session is comprised of packets exchanged between said stateless client and said state-based terminal.

72. (Original) The network as recited in Claim 71 wherein said protocol engine forms an abstraction of at least one state based signaling message received from said at least one state based terminal, said stateless. client control engine translating said abstraction to at least one stateless signaling message for presentation to said at least one stateless client.

73. (Original) The network as recited in Claim 71 wherein said controller further comprises a call manager messaging interface and a stateless client messaging interface.

74. (Original) The network as recited in Claim 71 further comprising a gateway coupled between an intranet portion and an internet portion of said network.

75. (Original) The network as recited in Claim 71 wherein said controller is embodied as a sequence of instructions executable in a general purpose computer system.

76. (Previously Presented) An Internet Protocol (IP) based network, comprising: at least one state based terminal capable of processing state-based signaling messages; at least one stateless client capable of processing only stateless signaling messages; and a server, couplable between said at least one state based terminal and said at least one stateless client, comprising: a controller capable of performing state based signaling on behalf of said at least one stateless client, including: a protocol engine that forms an abstraction of said at least one state based signaling message received from said at least one state based terminal; and a stateless client control engine that translates said abstraction to at least one stateless signaling message for presentation to said at least one stateless client thereby facilitating a media stream communications session between said at least one stateless client and said at least one state based terminal, wherein the media stream communications session is comprised of packets exchanged between said stateless client and said state-based terminal.

77. (Original) The network as recited in Claim 76 wherein said stateless client control engine forms an abstraction of at least one stateless signaling message received from said at least one stateless client, said protocol engine translating said abstraction to at least one state based signaling message for presentation to said at least one state based terminal.

78. (Original) The network as recited in Claim 76 wherein said controller further comprises a call manager messaging interface and a stateless client messaging interface.

79. (Original) The network as recited in Claim 76 further comprising a gateway coupled between an intranet portion and an internet portion of said network.

80. (Original) The network as recited in Claim 76 wherein said controller is embodied as a sequence of instructions executable in a general purpose computer system.

81. (Previously Presented) A method of performing state based signaling on behalf of a stateless client, the method comprising the following steps:

receiving, from a stateless client, a first packet comprising a stateless signaling message;

translating the first packet into a second packet comprising a state-based signaling message; and

communicating the second packet to a state-based terminal, thereby facilitating a media stream communications session between the stateless client and the state based terminal using a packet network.

82. (Previously Presented) The method as recited in Claim 81 wherein translating the first packet comprises:

forming an abstraction of the first packet; and

translating the abstraction of the first packet into the second packet.

83. (Previously Presented) The method as recited in Claim 81 wherein the second packet and the first packet traverse a packet based signaling path separate from a path for the media stream communications session.

84. (Previously Presented) The method as recited in Claim 81 wherein the method performs state based signaling on behalf of a plurality of stateless clients.

85. (Previously Presented) The method as recited in Claim 81 wherein communicating the second packet employs a transport protocol selected from the group consisting of:

an Internet Protocol (IP),

an Internetwork Packet Exchange/Sequenced Packet Exchange (IPX/SPX), and
a Systems Network Architecture (SNA).

86. (Previously Presented) The method as recited in Claim 81 wherein receiving
a first packet employs a transport protocol selected from the group consisting of:

an Internet Protocol (IP),
an Internetwork Packet Exchange/Sequenced Packet Exchange (IPX/SPX), and
a Systems Network Architecture (SNA).

87. (Previously Presented) Software for performing state based signaling on
behalf of a stateless client, the software being embodied in a computer-readable medium and
when executed by a computer operable to:

receive, from a stateless client, a first packet comprising a stateless signaling
message;

translate the first packet into a second packet comprising a state-based signaling
message; and

communicate the second packet to a state-based terminal, thereby facilitating a media
stream communications session between the stateless client and the state based terminal
using a packet network.

88. (Previously Presented) The software as recited in Claim 87 wherein translate
the first packet comprises:

forming an abstraction of the first packet; and
translating the abstraction of the first packet into the second packet.

89. (Previously Presented) An apparatus for performing state based signaling on
behalf of a stateless client comprising:

means for receiving, from a stateless client, a first packet comprising a stateless
signaling message;

means for translating the first packet into a second packet comprising a state-based
signaling message; and

means for communicating the second packet to a state-based terminal, thereby facilitating a media stream communications session between the stateless client and the state based terminal using a packet network.

90. (Previously Presented) The apparatus as recited in Claim 89 wherein translating the first packet comprises:

forming an abstraction of the first packet; and
translating the abstraction of the first packet into the second packet.

91. (Previously Presented) A method for establishing a communications session with a remote state-based terminal, the method comprising the following steps performed at a stateless client:

receiving a call initiation signaling message generated at a remote state-based terminal and translated into a stateless call initiation signaling message for presentation to the stateless client to establish a communications session between the stateless client and the remote state-based terminal;

processing the stateless call initiation signaling message to determine that the stateless client is able to conduct the communications session initiated at the remote state-based terminal;

communicating a stateless acknowledgement signaling message for translation and delivery to the remote state-based terminal as a state-based acknowledgement signaling message; and

exchanging packets with the remote state-based terminal using a packet network.

92. (Previously Presented) The method as recited in Claim 91, wherein the method employs a transport protocol selected from the group consisting of:

an Internet Protocol (IP),
an Internetwork Packet Exchange / Sequenced Packet Exchange (IPX/SPX), and
a Systems Network Architecture (SNA).

93. (Previously Presented) The method as recited in Claim 91, wherein receiving a call initiation signaling message generated at a remote state-based terminal and translated

into a stateless call initiation signaling message for presentation to the stateless client comprises receiving the call initiation signaling message from a stateless client control engine that receives an abstraction of the state-based signaling message from a state-based protocol engine and translates the abstraction of the state-based signaling message into the stateless call initiation signaling message.

94. (Previously Presented) The method as recited in Claim 91, wherein the stateless call initiation signaling message comprises a packet based telephony "Set Ringer On" message.

95. (Previously Presented) The method as recited in Claim 91, wherein the stateless acknowledgement signaling message comprises a packet based telephony "Station Off Hook" message.

96. (Previously Presented) The method as recited in Claim 91, wherein the state-based acknowledgement signaling message comprises a packet based H.225 Connect message.

97. (Previously Presented) The method as recited in Claim 91, wherein:
the remote state-based terminal comprises a computer executing telephony software that supports the H.323 protocol; and
the stateless client comprises an Internet Protocol (IP) device comprising a handset, wherein the device is operable to translate packets into voice information for presentation to a user and to generate packets from received voice activity of the user for presentation to the remote state-based terminal.

98. (Previously Presented) The method as recited in Claim 91, further comprising:

receiving a plurality of first packets generated at the remote state-based terminal for presentation to the stateless client;

translating the received first packets into voice information for presentation to a user of the stateless client;

receiving voice activity from the user;
generating a plurality of second packets that represent the voice activity; and
communicating the generated second packets for delivery to the remote state-based terminal.

99. (Previously Presented) A method for establishing a communications session between a remote state-based terminal and a stateless client, the method comprising the following steps performed at the stateless client:

receiving an indication to initiate a communications session between a stateless client and a remote state-based terminal using a packet based network;

communicating a stateless call initiation signaling message for translation and delivery to a remote state-based terminal as a state-based call initiation signaling message to establish the communications session between the stateless client and the remote state-based terminal;

receiving an acknowledgement signaling message generated at the remote state-based terminal and translated into a stateless acknowledgment signaling message for presentation to the stateless client; and

exchanging packets with the remote state-based terminal using a packet network.

100. (Previously Presented) The method as recited in Claim 99, wherein the method employs a transport protocol selected from the group consisting of:

an Internet Protocol (IP),

an Internetwork Packet Exchange / Sequenced Packet Exchange (IPX/SPX), and

a Systems Network Architecture (SNA).

101. (Previously Presented) The method as recited in Claim 99, wherein communicating a stateless call initiation signaling message for translation and delivery to a remote state-based terminal as a state-based call initiation signaling message comprises communicating the stateless call initiation signaling message to a stateless client control engine, wherein the stateless client control engine:

forms an abstraction of the stateless call initiation signaling message; and

communicates the abstraction of the stateless call initiation signaling message to a state-based protocol engine, wherein the state-based protocol engine translates the abstraction of the stateless call initiation signaling message into the state-based signaling message for presentation to the state-based terminal.

102. (Previously Presented) The method as recited in Claim 99, wherein receiving an acknowledgement signaling message generated at the remote state-based terminal and translated into a stateless acknowledgment signaling message for presentation to the stateless client comprises receiving the acknowledgement signaling message from a stateless client control engine, wherein the stateless client control engine:

receives an abstraction of a state-based acknowledgment signaling message from a state-based protocol engine, wherein the state-based protocol engine forms the abstraction from the state-based acknowledgment signaling message communicated from the state-based terminal; and

translates the abstraction of the state-based acknowledgment signaling message into the stateless acknowledgment signaling message.

103. (Previously Presented) The method as recited in Claim 99, wherein:

the remote state-based terminal comprises a computer executing telephony software that supports the H.323 protocol; and

the stateless client comprises an Internet Protocol (IP) device comprising a handset, wherein the device is operable to translate packets into voice information for presentation to a user and to generate packets from received voice activity of the user for presentation to the remote state-based terminal.

104. (Previously Presented) The method as recited in Claim 99, further comprising:

receiving a plurality of first packets generated at the remote state-based terminal for presentation to the stateless client;

translating the received first packets into voice information for presentation to a user of the stateless client;

receiving voice activity from the user;

generating a plurality of second packets that represent the voice activity; and
communicating the generated second packets for delivery to the remote state-based
terminal.

105. (Previously Presented) The method as recited in Claim 99, wherein receiving
an indication to initiate a communications session comprises receiving an off-hook signal in
response to a user indicating a desire to establish a communications session.

Appendix B: Evidence

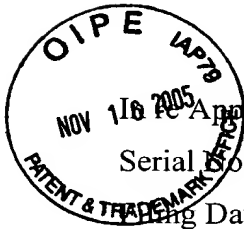
NONE

Appendix C: Related Proceedings

NONE

ATTORNEY DOCKET NO. 062891.0279

PATENT APPLICATION
SERIAL NO. 09/032,083



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Robert T. Bell, et al.
Serial No.: 09/032,083
Filing Date: February 27, 1998
Confirmation No. 9496
Group Art Unit: 2665
Examiner: Steven H.D. Nguyen
Title: SYSTEM AND METHOD FOR PERFORMING SIGNALING
ON BEHALF OF A STATELESS CLIENT

Mail Stop Appeal Brief - Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that the enclosed Appeal Brief with attached Appendixes A-C (37 pages), check in the amount of \$500.00, Baker Botts return postcard (1 postcard), and this Certificate of Mailing are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on this 16h day of November 2005, addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Willie Jiles

Willie Jiles

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